

REMARKS

By this amendment, claims 1-14 have been amended. A number of claims have been amended to place the same in better form. New claims 15-20 have been added. Claims 1-20 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §102

Claim 1:

Claim 1 recites a method for creating an icon that comprises a graphic in a graphical user interface configured to represent a group of images, the group of images including a plurality of images (1, 2, ..., N), the icon further being composed of a selection of images from the group of images, the method comprising:

determining a relative importance (I_1, \dots, I_N) of each image (1, 2, ..., N) of the group of images, wherein the relative importance I_i (for $i = 1$ to N) of each image of the plurality of images (1, 2, ..., N) is a number between 0 and 1; and

generating the icon composed of the selection of images based on and adapted to the determined relative importance of each image of the group of images.

Support for amendment to claim 1 (as well as for amendment to claims 11, 12 and 14) can be found in the specification at least on page 1, lines 8 and 18-24; page 3, line 9-10; page 5, lines 22-23; page 6, lines 16-19; page 7, lines 8-10; and FIGs. 1a, 1b, 2a and 2b.

As presented, claim 1 clearly articulates a novel and non-obvious method for creating an icon. The icon comprises a graphic in a graphical user interface configured

to represent a group of images. The number of images selected to be included in the icon is not fixed, but is adapted to the determined importance (See, for example, the present specification on page 3, lines 9-10). In the method, a relative importance of each image of the group of images is determined, wherein the determined relative importance I_i (for $i = 1$ to N) of each image of the plurality of images (1,2,..., N) is a number between 0 and 1. In one embodiment, selection of the number of images to be incorporated into the created icon is based on a requirement that the sum of the relative importance of each of the images selected to be included in the icon is a certain minimal predetermined value (See, for example, the present specification on page 7, lines 9-10). Accordingly, the method of claim 1 advantageously enables automatic generation of an icon that comprises a graphic in a graphical user interface configured to represent a group of images.

Claims 1-14 were rejected under 35 U.S.C. §102(e) as being anticipated by Matraszek et al (U.S. PAP 2003/0117651; hereafter "**Matraszek**"). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the **Matraszek** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Matraszek** reference, the latter reference does not disclose creating "an *icon* that comprises a *graphic* in a *graphical user interface* configured to represent a group of images ... the icon further being composed of a selection of images from the group of images ... wherein the relative importance I_i (for $i = 1$ to N) of each image of the plurality of images (1,2,..., N) is a number between 0 and 1 ... based on and adapted to the determined relative importance of each image of the group of images" as is claimed in

claim 1. Therefore, the rejection is not supported by the **Matraszek** reference and should be withdrawn.

In contrast, the **Matraszek** reference discloses a method for using affective information recorded with digital images for producing an *album page*. As disclosed in **Matraszek**, an example of affective information is a “tag” or “flag”, associated with an image, which indicates *whether or not the image has been identified* as a “favorite” or “important” image for the user. The absence of such a tag indicates that the image has not been identified as a favorite or important image for the user (emphasis added, see **Matraszek**, for example, at paragraph [0026]). In addition, while FIG. 7A of **Matraszek** shows a created album page containing five images, the album page of FIG. 7A is not “an *icon* that comprises a *graphic* in a *graphical user interface* configured to represent a group of images” as is recited in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 2-10 depend from and further limit allowable independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 11 contains limitations similar to those of claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 11 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 12 contains limitations similar to those of claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 12 is believed allowable and an early formal notice thereof is requested. Claim 13 depends

from and further limits allowable independent claim 12 and therefore is allowable as well. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 14 contains limitations similar to those of claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 14 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

New Claims 15-20

New claims 15-20 have been added to provide more complete claim coverage of the embodiments of the present application. Claim 15 depends from and further limits claim 3, which depends from independent claim 1 and therefore is allowable as well. Claim 16 and 17 depend from and further limit independent claim 12 and therefore are allowable as well. Claim 18-20 depend from and further limit independent claim 14 and therefore are allowable as well.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 11, 12 and 14 are in condition for allowance. Claims 2-10 and 15 depend from and further limit claim 1 and therefore are allowable as well. Claim 13 and 16-17 depend from and further limit claim

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12 and therefore are allowable as well. Claim 18-20 depend from and further limit claim 14 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-20 is requested.

Respectfully submitted,

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